

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JESUS M. SALAS

V.

TREY MICHAEL BOWERS AND
BLUELINE MANUFACTURING, LLC

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C.A. NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE U.S. JUDGE OF SAID COURT:

COMES NOW, JESUS M. SALAS, Plaintiff in the above entitled and numbered cause, complaining of and against TREY MICHAEL BOWERS and BLUELINE MANUFACTURING, LLC, Defendants herein, and for causes of action would respectfully show until the Court the following:

**I.
PARTIES**

1.0 Plaintiff is an individual who resides in Cameron County, Texas.

1.1 Defendant, TREY MICHAEL BOWERS who resided in the State of Louisiana. Service is not requested at this time.

1.2 Defendant, BLUELINE MANUFACTURING, LLC is a foreign limited liability company existing under the laws of the state of Louisiana doing business in the state of Texas. This defendant does not maintain a place of regular business in Texas nor does it have a designated agent for service of citation. Consequently, defendant may be served with process through the Texas Secretary of State, under the Texas Long-Arm Statutes Texas Civil Practice and Remedies Code §17.041 et seq. The Secretary of State in Texas is required to mail by registered or certified mail, return receipt requested, a copy of the complaint and summons to defendant, BLUELINE MANUFACTURING, LLC,

addressed to any home office, corporate officer at its principal/home place of business:
112 Amedee Drive, Scott, LA 70583.

II. JURISDICTION & VENUE

2.0 This Court has jurisdiction over the lawsuit pursuant to 28 U.S.C. §1332(a)(1) based on diversity of citizenship and because the present amount in controversy exceeds the sum of \$75,000.00, excluding interest and costs.

III. FACTS

3.0 On or about July 13, 2016, Plaintiff, JESUS M. SALAS was in a lawfully driven vehicle, a 2007 White International Truck northeast on IH Highway 10, Roadway 1, Chambers County, Texas.

3.1 At the time in question, Defendant TREY MICHAEL BOWERS was driving a 2007 White International Truck and pulling a Trailer, traveling in the same direction as Plaintiff.

3.2 Defendant, TREY MICHAEL BOWERS failed to control speed, failed to maintain a proper lookout, failed to timely apply his brakes, driver inattention, failed to maintain a safe distance from Plaintiff's vehicle and struck Plaintiff's vehicle.

3.3 At all times material hereto, Defendant TREY MICHAEL BOWERS was acting in the course and scope of his employment with Defendant, BLUELINE MANUFACTURING, LLC.

3.4 As a proximate and producing result of Defendants' actions and inactions, Plaintiff's sustained serious and disabling injuries.

IV. NEGLIGENCE OF DEFENDANT, TREY MICHAEL BOWERS

4.0 All facts and allegations set forth in the preceding paragraphs and incorporated

herein as if fully restated.

4.1 At the time of the accident made the basis of this suit, Defendant, TREY MICHAEL BOWERS was operating the aforementioned vehicle in a negligent and careless manner in the following respects which, among others, may be shown at the trial of this cause:

1. In failing to keep a proper lookout;
2. In failing to control speed;
3. In failing to pass on the right safely;
4. Driver inattention; and
5. In failing to operate the vehicle in a reasonable and prudent manner.

4.2 Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident, and the injuries sustained by the Plaintiff. Additionally, Defendants' acts or omissions in violating the Texas Transportation Code as listed above constitute negligence per se.

V.

**NEGLIGENCE OF DEFENDANT,
BLUELINE MANUFACTURING, LLC**

5.0 All facts and allegations set forth in the preceding paragraphs and incorporated herein as if fully restated.

5.1 Upon information and belief, on the date in question, Defendant, BLUELINE MANUFACTURING, LLC owned the vehicle operated by Defendant, TREY MICHAEL BOWERS. Defendant, BLUELINE MANUFACTURING, LLC entrusted its vehicle to Defendant, TREY MICHAEL BOWERS, who was an unfit, incompetent and/or reckless driver that would create an unreasonable risk of danger to persons and property. Defendant, BLUELINE MANUFACTURING, LLC knew or should have known that Defendant, TREY MICHAEL BOWERS was an incompetent and/or reckless driver. Defendant, TREY MICHAEL BOWERS did, in fact, operate Defendant, BLUELINE

MANUFACTURING, LLC's vehicle in a negligent manner as more fully described herein. Defendant, BLUELINE MANUFACTURING, LLC's negligent entrustment of its vehicle to Defendant, TREY MICHAEL BOWERS was a direct and proximate cause of Plaintiff's injuries and damages.

5.2 Defendant, BLUELINE MANUFACTURING, LLC was negligent in the following respects:

1. In negligently hiring Defendant, TREY MICHAEL BOWERS;
2. In failing to adequately train Defendant, TREY MICHAEL BOWERS to safely operate a motor vehicle; and;
3. In negligently retaining Defendant, TREY MICHAEL BOWERS.

5.3 Each of the above referenced acts or omissions by Defendant, BLUELINE MANUFACTURING, LLC directly and proximately caused Plaintiff's injuries and damages. Nothing Plaintiff did or failed to do contributed to or proximately caused the incident in question or his resulting injuries and damages.

VI.

CAUSE OF ACTION-RESPONDEAT SUPERIOR

6.0 All facts and allegations set forth in the preceding paragraphs and incorporated herein as if fully restated.

6.1 At all times material hereto, TREY MICHAEL BOWERS was employed by BLUELINE MANUFACTURING, LLC and acting within the course and scope of his employment by BLUELINE MANUFACTURING, LLC.

6.2 Defendant BLUELINE MANUFACTURING, LLC is vicariously liable for the acts of negligence of TREY MICHAEL BOWERS under the doctrine of *respondeat superior*.

6.3 Consequently, all actions, inactions and claims of negligence and negligence *per se* attributed to TREY MICHAEL BOWERS are hereby asserted to have been made by and are asserted against Defendant BLUELINE MANUFACTURING, LLC.

6.4 As a direct and proximate result of Defendant BLUELINE MANUFACTURING, LLC's acts and omissions, Plaintiff have suffered injuries and damages.

VII. DAMAGES

7.0 All facts and allegations set forth in the preceding paragraphs and incorporated herein as if fully restated.

7.1 Said elements of damage which Plaintiff seeks to recover from Defendants include compensation for the following:

1. The physical pain and mental anguish sustained by Plaintiff from date of injury to the time of trial;
2. The physical pain and mental anguish that Plaintiff will suffer in the future;
3. Loss of earnings sustained by Plaintiff from date of injury to time of trial;
4. Loss of earnings and earning capacity reasonably anticipated to be suffered by Plaintiff in the future;
5. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
6. Reasonable and necessary medical expenses reasonably anticipated to be sustained by Plaintiff in the future for treatment of Plaintiff's injuries;
7. Past and future physical disfigurement;
8. Past and future physical impairment; and
9. Loss of use and property damage.

7.2 As such, Plaintiff affirmatively plead that he seeks monetary relief in an amount not in excess of \$1,000,000.00.

VIII. REQUEST FOR JURY TRIAL

8.0 Plaintiff requests a jury trial.

**IX.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recover from said Defendants, jointly and severally, costs of Court, pre-judgment and post-judgment interest at the legal rate, and demand for judgment for all other relief to which the Plaintiff deemed entitled.

Respectfully submitted,

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